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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,290

06/12/2006

Ricardo Augusto de Lorenzo

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35301

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10/19/2009

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EXAMINER

NGUYEN, TRI V

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,290	<b>Applicant(s)</b> DE LORENZO, RICARDO AUGUSTO	
	<b>Examiner</b> TRI V. NGUYEN	<b>Art Unit</b> 1796	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Upon entry of the amendment filed on 07/06/09, Claims 6-10 are amended; Claims 1-5 are withdrawn. The currently pending claims are Claims 1-10.

### ***Election/Restrictions***

2. Applicant's election without traverse of the Invention of Group II - claims 6-10 in the reply filed on 07/06/09 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehl et al. (US 4767420) in view of Pace et al. (US 2004/0146698), Bouhaniche (US 4326003) and Sonobe et al. (US 6244176).

Mehl et al. teach the method of transfer printing onto a fabric/textile with the steps of bleaching a substrate in a calendering system, transfer printing, heating and separating the transfer medium (abstract and examples 1-3 on col 12). Furthermore, Mehl et al. teach the

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features of a polymeric substrate (col 7, line 5-7), paper transfer process (col 3, lines 30-34) and storage benefit (col 9, line 60) and markers (col 12, line 5).

The Mehl et al. reference discloses the claimed invention but does not explicitly disclose the strap substrate, reel/web and digital image features.

Given that the analogous art of Pace et al. teaches the feature printing on strap and overall schematic of fabric treatment (dyeing, finishing and cutting) in parag 2 and 7, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the fabric processing features in the method of the Mehl et al. reference since Mehl et al. is open to the printing on various surfaces.

Given that the Bouhaniche reference teaches the feature of continuous transfer printing using double-sided printing, web and reel (abstract and Fig 1 & accompanying text), it would have been obvious to one of ordinary skill in the art at the time of the invention to use the fabric processing features in the method of the Mehl et al. reference to gain the benefit of an efficient processing operation (less step, time and resource).

Given that the Sonobe et al. reference teaches the feature of digital transfer printing (col 5, line 23), it would have been obvious to one of ordinary skill in the art at the time of the invention to use the fabric processing feature in the method of the Mehl et al. reference to gain the benefit of a modern/updated processing facility.

Claim 10 is construed as an intended use of the final product and is not related to a process of transferring image to a strap. It is noted that the final product of Mehl et al. is intended to be use in a public setting.

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5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehl et al. (US 4767420) in view of Pace et al. (US 2004/0146698), Bouhaniche (US 4326003) and Sonobe et al. (US 6244176) and further in view of Peart et al. (US 4541340).

Mehl et al., Pace et al., Bouhaniche and Sonobe et al. teach the claimed invention but do not explicitly disclose the slitting features. In an analogous art, Peart et al. teach the feature of slitting the fabric after a dyeing process (abstract and col 1, lines 52-54). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the fabric processing feature in the method of Mehl et al., Pace et al., Bouhaniche and Sonobe et al. since the cited references are open to post-processing steps such as cutting and storing the printed product.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tri V Nguyen/  
Examiner, Art Unit 1796  
October 16, 2009

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796